

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ERIC LEBRON SPRINGS,

Petitioner,

v.

FEDERAL BUREAU OF PRISONS
ATWATER,

Respondent.

Case No. 1:24-cv-00760-SAB-HC

ORDER DENYING PETITIONER'S
REQUEST FOR ENTRY OF DEFAULT

(ECF No. 14)

ORDER DIRECTING CLERK OF COURT
TO SEND PETITIONER COPY OF
MOTION TO DISMISS

Petitioner is a federal prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. The parties have consented to the jurisdiction of a United States Magistrate Judge. (ECF Nos. 6, 9, 10.)

On September 3, 2024, Respondent filed a motion to dismiss the petition. (ECF No. 7.) On October 28, 2024, the Court received the instant request for entry of default. (ECF No. 14.) Therein, Petitioner alleges that Respondent has failed to answer or otherwise defend against the petition. (*Id.*) However, Respondent filed a certificate of service with the Court certifying that on September 3, 2024, a copy of the motion to dismiss was served on Petitioner by mail. (ECF No. 7 at 8.) Accordingly, the Court finds that entry of default is not warranted.

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Based on the foregoing, the Court HEREBY ORDERS that:

1. Petitioner's request for entry of default (ECF No. 14) is DENIED;
2. The Clerk of Court is DIRECTED to send Petitioner a copy of Respondent's motion to dismiss (ECF No. 7);
3. Within twenty-one (21) days of the date of service of this order, Petitioner SHALL FILE an opposition or statement of non-opposition to the motion to dismiss; and
4. Any reply to an opposition to the motion to dismiss shall be filed within fourteen (14) days after the opposition is filed in CM/ECF.

IT IS SO ORDERED.

Dated: **October 31, 2024**


UNITED STATES MAGISTRATE JUDGE